Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M., on Tuesday the 20th September 1904. / 5th Purattasy 1080.

PRESENT.

V. P. Madhava Rao Esquire, C. I. E.,
DEWAN ... ...*Presiding.*

A. Govinda Pillai Esq., B. A., B. L., F. M. U.
T. Rajaram Row Esq., B. A.
V. I. Kesava Pillai Esq., M. A.
A. J. Vieyra Esq., B. A.
R. Mahadeva Aiyar Esq., B. A.
K. K. Kuruvila Esq., B. C. E.
K. P. Padmanabha Menon Esq., B. A., B. L., M. R. A. S.
E. Ramier Esq.
K. G. Sesha Aiyar Esq., B. A., B. L.

R. Viraraghava Aiyangar Esq., B. A., B. L. ...*Secretary.*

BILL TO PREVENT LOSS TO GOVERNMENT BY THE DEFAULT OR MISCONDUCT OF PUBLIC ACCOUNTANTS.

Mr. Kesava Pillai.—I beg to present the Report of the Select Committee on this Bill. The Report and the amended Bill have been duly published in the Gazette and circulated. I beg therefore to move that the Bill be taken up for consideration.

Seconded by Mr. Mahadeva Aiyar.

The motion was put and agreed to.

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Mr. Padmanabha Menon.—I beg to propose that the following be added at the end of para 2 of section 2:

"Such notice of demand may be served on the Public Accountant in the same manner as a summons is served on a defendant under the Civil Procedure Code."

The section as it now stands does not provide how a notice of demand issued by the Division Peishcar is to be served on the Public Accountant concerned. I think the addition that I have proposed is necessary for the satisfactory working of the section.

Seconded by Mr. Sesha Aiyar.

Carried.

Mr. Govinda Pillai.—I beg to propose that the words "Chapter VII of" in lines 21 and 22 and the words "Regulation V of 1067" in line 23 of section 3 be omitted.

Seconded by Mr. Rajaram Row.

Carried.

Mr. Kuruvila.—I beg to propose that the words "or furnishes security for such discharge or delivery" be added after the word "him" at the end of the first paragraph of section 4. In moving this amendment, I have to observe that the proposed amendment would show clearly to the public that in enacting this piece of legislation we are not actuated by a vindictive spirit. The object of this Bill is to provide effective measures for the purpose of recovering moneys, securities for money, &c., which have come into the hands of a Public Accountant and which there is reason to believe he wilfully withholds. As much facility as is possible consistently with the safety of public interests should be given to carry out this object. I think that the addition proposed will have the effect of furthering the object in view without jeopardizing the interests of the State.

Mr. Ramier.—I beg to second the amendment. I submit that it is only fair that all reasonable opportunities should be given to the Public Accountant to discharge the sums or to deliver up the documents, &c., for which he is sought to be made liable. As the primary object is the recovery of moneys, securities for moneys, &c., from the Public Accountant and the imprisonment provided for in section 4 is to continue only till he delivers them up, the object aimed at would be only furthered by allowing the Public Accountant to furnish security and thus giving him one more chance of delivering up the moneys or properties in his possession. There is really no harm done and the analogies of the civil law as regards the treatment of debtors in the matter of recovering judgment debts due from them strongly support this view.

Mr. Rajaram Row.—We have provided for the giving of security by the Public Accountant at a previous stage. It is only when that stage is passed and the Division Peishcar has reason to believe that there is a wilful withholding of payment or fraudulent conduct on the part of the Public Accountant, that he is empowered to arrest and imprison the Public Accountant.

President.—The procedure of sending the Public Accountant to jail is to be adopted only as a last resort. If there is evidence which satisfies the Division Peishcar, after taking the steps laid down in section 3, that there is a wilful withholding or fraudulent conduct on the part of the Public Accountant, it is only then that the Division Peishcar is allowed to exercise the powers of arrest and imprisonment.

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Mr. Kuruvila.—Power of imprisonment in such matters is a novel provisio in this country. If the Accountant is prepared to furnish sufficient security, I sul mit there seems to be no valid reason why he should not be released.

After some further discussion the amendment was put to the vote and los

As it was 5–20 P. M. when the proceedings reac this stage, the furthe consideration of the Public Accountants Bill and the consideration of the Stam Bill were deferred to the next ordinary meeting.

The Council adjourned at 5–25 P. M.

V. P. MADHAVA RAO,
President.

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